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 Before the  
 Federal Communications Commission  
 Washington, D.C. 20554

APR 15 2004

In the Matter of )

Amendment of the Commission's Space  
Station Licensing Rules and Policies )IB Docket No. 02-342000 Biennial Regulatory Review --  
Streamlining and Other Revisions of  
Part 25 of the Commission's Rules )Governing the Licensing of, and  
Spectrum Usage by, Satellite Network  
Earth Stations and Space Stations )

IB Docket No. 00-248

**FOURTH REPORT AND ORDER****Adopted:** April 9, 2004**Released:** April 16, 2004

By the Commission:

**I. INTRODUCTION**

1. In this Order, we extend mandatory electronic filing to all satellite and earth station applications. We also implement two measures that allow space station operators to make certain changes to their systems without prior regulatory approval. First, we allow direct broadcast satellite (DBS) licensees and Digital Audio Radio Service (DARS) satellite licensees to use a streamlined procedure when relocating satellites for fleet management purposes. Currently, this procedure is limited to Geostationary Satellite Orbit (GSO) licensees.<sup>1</sup> Second, we allow Non-Geostationary Satellite Orbit (NGSO) system operators to activate in-orbit spares without prior authorization from the Commission, provided that the activation does not cause the operator to exceed the total number of space stations that the licensee was authorized to operate under its blanket license for that system. These rule revisions represent another step in our continuing effort to eliminate outdated regulatory requirements and expedite provision of satellite services to the public.

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<sup>1</sup> Amendment of the Commission's Space Station Licensing Rules and Policies, 2000 Biennial Regulatory Review -- Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations, *Second Report and Order in IB Docket No 02-34, Second Report and Order in IB Docket No 00-248*, 18 FCC Rcd 12507, 12509-11 (paras. 6-9) (2003) (*Second Space Station Reform Order*). In that document, the Commission adopted a Second Report and Order in IB Docket No. 02-34, and a Second Report and Order in IB Docket No. 00-248. When we are referring to the portions of the document related to IB Docket No. 02-34, we will cite it as "*Second Space Station Reform Order*." When we are referring to the portions of the document related to IB Docket No 00-248, we will cite it as "*Second Part 25 Earth Station Order*."

## II. BACKGROUND

2. In 2000 and 2002, the Commission initiated proceedings to reform and streamline its earth station and space station licensing procedures, respectively.<sup>2</sup> In July 2003, the Commission adopted a *Second Further Notice* in both these proceedings.<sup>3</sup> In that *Notice*, the Commission proposed extending mandatory electronic filing requirements to all space station and earth station applicants.<sup>4</sup> The Commission also proposed extending the streamlined procedure for fleet management modifications to DBS and DARS licensees.<sup>5</sup> Only one party filed comments in response to the *Second Further Notice*, Sirius Satellite Radio, Inc. (Sirius). No replies were filed.<sup>6</sup>

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<sup>2</sup> 2000 Biennial Regulatory Review -- Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations, *Notice of Proposed Rulemaking*, IB Docket No. 00-248, 15 FCC Rcd 25128 (2000) (*Part 25 Earth Station Notice*); Amendment of the Commission's Space Station Licensing Rules and Policies, *Notice of Proposed Rulemaking*, IB Docket No. 02-34, 17 FCC Rcd 3847 (2002) (*Space Station Reform Notice*).

<sup>3</sup> Amendment of the Commission's Space Station Licensing Rules and Policies, 2000 Biennial Regulatory Review -- Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations, *Third Report and Order and Second Further Notice of Proposed Rulemaking in IB Docket Nos. 02-34 and 00-248*, 18 FCC Rcd 13486, 13514-15 (paras. 83-85) (2003) (*Second Further Notice*). In addition, in that document, the Commission also adopted a Third Report and Order in IB Docket No. 02-34, and a Third Report and Order in IB Docket No. 00-248. We will refer to the Report and Order portions of that document as "*Third Space Station Reform Order*" or "*Third Part 25 Earth Station Order*" as appropriate.

<sup>4</sup> *Second Further Notice*, 18 FCC Rcd at 13515 (para. 84).

<sup>5</sup> *Second Further Notice*, 18 FCC Rcd at 13515 (para. 85). The Commission adopted the fleet management modification procedure for GSO FSS satellite licensees in the *Second Space Station Reform Order*, 18 FCC Rcd at 12509-11 (paras. 6-9).

<sup>6</sup> In this Order, we address the issues raised in the *Second Further Notice*. There are still a number of outstanding issues in the *Space Station Reform* proceeding, and the *Part 25 Earth Station* proceeding. These include bond-related issues pending as a result of the *Space Station Reform Further Notice*, adopted together with the *First Space Station Reform Order*. Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10882 (paras. 333-36) (2003) (*First Space Station Reform Order*). In addition, several issues related to streamlining procedures for non-routine earth station applications are pending. See *Part 25 Earth Station Notice*, 15 FCC Rcd at 25128; 2000 Biennial Regulatory Review -- Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations, *Further Notice of Proposed Rulemaking*, IB Docket No. 00-248, 17 FCC Rcd 18585 (2002) (*Part 25 Earth Station Further Notice*). We will address those issues in future Orders.

### III. DISCUSSION

#### A. Mandatory Electronic Filing

3. *Background.* In the *Second Further Notice*, the Commission observed that it has mandatory electronic filing for several but not all satellite and earth station filings. We require all space station applicants other than DBS and DARS applicants to file electronically.<sup>7</sup> We also require electronic filing for routine earth station license applications, and for earth station assignments and transfer of control applications.<sup>8</sup> Parties filing petitions to deny routine earth station applications, or other pleadings in response to routine earth station applications, must also file electronically.<sup>9</sup>

4. In the *Second Further Notice*, the Commission proposed extending electronic filing requirements to all pleadings and other filings governed by Part 25 of the Commission's rules.<sup>10</sup> The Commission noted that electronic filing should enable it to act on applications more quickly.<sup>11</sup> The Commission explained further that requiring certain types of applications to be filed electronically and permitting others to be filed manually adds complexity to the application filing requirements. Thus, adopting mandatory electronic filing for all satellite and earth station filings would simplify the filing requirements.<sup>12</sup> The Commission also proposed requiring DARS applicants to file applications on Schedule S.<sup>13</sup> The Commission adopted Schedule S in its current form in the *Third Space Station Reform Order*, to standardize many of the information requirements associated with satellite license applications. The Commission intended Schedule S to streamline review of satellite applications, and to facilitate electronic filing.<sup>14</sup> Schedule S is required of all space station applicants other than DARS applicants.<sup>15</sup>

5. *Discussion.* Sirius supports extending mandatory electronic filing to all satellite and earth station applications, to simplify Part 25 and to facilitate interested parties' access to information.<sup>16</sup> We agree. Accordingly, we adopt mandatory electronic filing for all applications and pleadings that are governed by Part 25. We delegate authority to the Chief, International

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<sup>7</sup> *First Space Station Reform Order*, 18 FCC Rcd at 10853 (para. 247).

<sup>8</sup> *Third Part 25 Earth Station Order*, 18 FCC Rcd at 13509 (para. 64).

<sup>9</sup> *Third Part 25 Earth Station Order*, 18 FCC Rcd at 13510 (paras. 68-70).

<sup>10</sup> *Second Further Notice*, 18 FCC Rcd at 13515 (para. 84).

<sup>11</sup> *Second Further Notice*, 18 FCC Rcd at 13515 (para. 84), citing *Part 25 Earth Station NPRM*, 15 FCC Rcd at 25153 (para. 76)

<sup>12</sup> *Second Further Notice*, 18 FCC Rcd at 13515 (para. 84)

<sup>13</sup> *Second Further Notice*, 18 FCC Rcd at 13515 (para. 84).

<sup>14</sup> *Third Space Station Reform Order*, 18 FCC Rcd at 13490 (para. 7).

<sup>15</sup> *Third Space Station Reform Order*, 18 FCC Rcd at 13493 (para. 15).

<sup>16</sup> Sirius Comments at 2-3.

Bureau, to make the electronic filing system revisions necessary to implement these new electronic filing requirements. We also direct the International Bureau to issue a public notice at least 30 days before the new electronic filing requirements will take effect.

6. Sirius also argues that the edit checks in Schedule S should allow applicants to respond "Not Applicable" or "N/A" where appropriate.<sup>17</sup> We agree, and direct the International Bureau to add "Not Applicable" or "N/A" responses to Schedule S where appropriate.

#### **B. Streamlined Fleet Management Modification Procedure for DBS and DARS Licensees**

7. *Background.* In the *Second Space Station Reform Order*, the Commission adopted a streamlined procedure for GSO licensees seeking to relocate two or more satellites among orbit locations at which they are licensed. The Commission referred to such relocations as "fleet management" license modifications.<sup>18</sup> Under this procedure, a space station operator may modify its license without prior authorization, but upon 30 days prior notice to the Commission and any potentially affected licensed spectrum user, provided that the operator meets the following requirements:

- (1) The space station licensee will relocate a Geostationary Satellite Orbit (GSO) space station to another orbit location that is assigned to that licensee;
- (2) The relocated space station licensee will operate with the same technical parameters as the space station initially assigned to that location, or within the original satellite's authorized and/or coordinated parameters;<sup>19</sup>
- (3) The space station licensee certifies that it will comply with all the conditions of its original license and all applicable rules after the relocation;
- (4) The space station licensee certifies that it will comply with all applicable coordination agreements at the newly occupied orbital location;
- (5) The space station licensee certifies that it has completed any necessary coordination of its space station at the new location with other potentially affected space station operators;
- (6) The space station licensee certifies that it will limit operations of the space station to Tracking, Telemetry, and Control (TT&C) functions during the relocation and satellite drift transition period; and
- (7) The space station licensee certifies that the relocation of the space station does not result in a lapse of service for any current customer.<sup>20</sup>

The Commission also noted that, because DBS and DARS were not included in the *Space Station Reform NPRM*,<sup>21</sup> the streamlined procedure for satellite fleet management modifications adopted

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<sup>17</sup> Sirius Comments at 3-4.

<sup>18</sup> *Second Space Station Reform Order*, 18 FCC Rcd at 12509-11 (paras. 6-9).

<sup>19</sup> Thus, the relocated satellite must be operated in the same frequency bands in which the original satellite was authorized to operate.

<sup>20</sup> See *Second Space Station Reform Order*, 18 FCC Rcd at 12511 (para. 9).

<sup>21</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3850 n.4.

in the *Second Space Station Reform Order* was limited to modifications of satellite licenses other than DBS and DARS.<sup>22</sup>

8. In the *Second Further Notice*, the Commission proposed to extend the satellite fleet management modification procedure to DBS and DARS licenses.<sup>23</sup> It stated that it was not aware of any public policy that would be served by precluding DBS and DARS licensees from using this procedure, which allows licensees to respond faster to changing circumstances regarding fleet deployment.<sup>24</sup>

9. The Commission also requested comment on whether DBS and DARS licensees should be required to make any certifications that are not applicable to FSS providers making fleet management modifications.<sup>25</sup> For example, one possible certification might be that a proposed DBS modification shall not cause greater interference than that which would occur from the current U.S. assignments in the International Telecommunication Union (ITU) Region 2 BSS Plan and its associated Feeder Link Plan. Another possibility might be to require DBS operators to certify that they will continue to meet the geographic service requirements that apply to DBS.<sup>26</sup> The Commission also invited parties to recommend other possible certification requirements.<sup>27</sup>

10. *Discussion.* No DBS operators commented on this proposal, but one DARS operator, Sirius, did comment. We conclude that extending the fleet management modification procedure to DBS licensees would enable us to act on DBS fleet management modification requests faster than we do now. Accordingly, we adopt a fleet management modification procedure for DBS licensees.

11. We also adopt the proposals in the *Second Further Order* to require DBS licensees using the fleet management modification procedure to certify that they will not cause greater interference than that which would occur from the current U.S. assignments in the International Telecommunication Union (ITU) Region 2 BSS Plan and its associated Feeder Link Plan. We will also require certifications that the DBS licensee will meet the geographic service requirements in Section 25.148(c) of the Commission's rules.<sup>28</sup> These certifications are necessary

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<sup>22</sup> See 47 C.F.R. § 25.118(e).

<sup>23</sup> *Second Further Notice*, 18 FCC Rcd at 13515 (para. 85).

<sup>24</sup> *Second Further Notice*, 18 FCC Rcd at 13515 (para. 85).

<sup>25</sup> *Second Further Notice*, 18 FCC Rcd at 13515 (para. 85).

<sup>26</sup> *Second Further Notice*, 18 FCC Rcd at 13515 (para. 85), citing 47 C.F.R. § 25.148(c).

<sup>27</sup> *Second Further Notice*, 18 FCC Rcd at 13515 (para. 85).

<sup>28</sup> "Those entities acquiring DBS authorizations after January 19, 1996, or who after January 19, 1996 modify a previous DBS authorization to launch a replacement satellite, must provide DBS service to Alaska and Hawaii where such service is technically feasible from the authorized orbital location. This requirement does not apply to DBS satellites authorized to operate at the 61.5° W.L. orbital location. DBS applicants seeking to operate from locations other than 61.5° W.L. who do not provide service to Alaska and Hawaii, must provide technical analyses to the Commission demonstrating that such service is not feasible as a technical matter, or that while technically feasible such services would require so many compromises in satellite design and operation as to make it economically unreasonable." 47 C.F.R. § 25.148(c).

to ensure that DBS fleet management modifications are consistent with the public interest, convenience, and necessity.

12. Sirius states that it does not oppose the fleet management proposal for GSO DARS systems.<sup>29</sup> Accordingly, we revise the streamlined modification procedure for fleet management so that it also applies to DARS space stations. Moreover, in the *Second Further Notice*, the Commission did not propose to require DARS licensees proposing fleet management modifications to make any additional certifications, as it did for DBS licensees as discussed above, and no commenter proposed any such certifications. Therefore, GSO DARS licensees proposing fleet management modifications need to make only the seven certifications adopted in the *Second Space Station Reform Order*<sup>30</sup> and listed above in this Order. DBS and GSO DARS licensees are permitted to make fleet management modification as with other GSO licensees, by requesting a modification by filing Form 312 and making the needed certifications.

### C. Streamlined Modification Procedure for NGSO Licensees

13. *Background.* Sirius proposes a streamlined procedure for NGSO system operators seeking to launch a ground spare as an in-orbit spare, and later operate it. Under the Sirius proposal, the applicant would file an application to launch the satellite. In the event that the license is granted, the applicant would notify the Commission of the launch date. Later, the applicant would also notify the Commission if and when it begins to operate the satellite.<sup>31</sup> Sirius argues that in-orbit spares enables licensees to replace decommissioned satellites promptly.<sup>32</sup> Sirius also claims that this is comparable to the fleet management procedure for GSO satellites.<sup>33</sup> No reply comments were filed on Sirius's proposal.

14. *Discussion.* We agree with Sirius that its proposed procedure is comparable to the fleet management procedure for GSO satellites. Generally, activating an in-orbit spare in an NGSO satellite system involves moving the satellite from one previously authorized orbit to another. Similarly, fleet management modifications involve moving a GSO satellite from one previously authorized orbit location to another. Therefore, we adopt the Sirius proposal with one minor revision. We will permit all NGSO system operators to launch in-orbit spares, and to activate them without prior authorization from the Commission, provided that the activation does not cause the operator to exceed the total number of space stations that the licensee was authorized to operate under its blanket license for that system, and the spare satellite has technical characteristics identical to the other satellites in the constellation. If the activation of a spare satellite would cause the licensee to exceed its total number of authorized satellites, if the licensee plans to operate the satellite in an orbit that was not previously authorized, or if the spare has different technical characteristics, including but not limited to frequency bands, the licensee will

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<sup>29</sup> Sirius Comments at 4.

<sup>30</sup> *Second Space Station Reform Order*, 18 FCC Rcd at 12511 (para. 9); 47 C.F.R. § 25.118(e)(1) through (7).

<sup>31</sup> Sirius Comments at 4-5.

<sup>32</sup> Sirius Comments at 5.

<sup>33</sup> Sirius Comments at 5.

need to seek a modification of its license. This is consistent with provisions that the Commission adopted for NGSO FSS licensees in the Ku-band<sup>34</sup> and Ka-band.<sup>35</sup>

15. In summary, NGSO licensees using this procedure will be required to notify the Commission that they have launched a spare, or activated a ground spare, no later than 30 days after the launch or activation. Licensees will be required to make these notifications on Form 312. Since the satellite launches and activations contemplated here will not cause the licensee to exceed the number of satellites it is authorized to operate, we conclude that we will not require any fee for these notifications.

#### IV. CONCLUSION

16. In this Order, we extend mandatory electronic filing to all space station and earth station applications, related pleadings, and other filings governed by Part 25. We also allow DBS and DARS licensees to take advantage of the fleet management modification procedure adopted for GSO FSS licensees in the *Second Space Station Reform Order*.<sup>36</sup> Finally, we allow NGSO system operators to activate in-orbit spares without prior authorization from the Commission, provided that the activation does not cause the operator to exceed the total number of space stations that the licensee was authorized to operate under its blanket license for that system.

#### V. PROCEDURAL MATTERS

17. *Final Regulatory Flexibility Certification.* The Regulatory Flexibility Act of 1980, as amended (RFA)<sup>37</sup> requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that "the rule will not have a significant economic impact on a substantial number of small entities."<sup>38</sup> The RFA generally defines "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."<sup>39</sup> In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.<sup>40</sup> A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).<sup>41</sup>

<sup>34</sup> See 47 C.F.R. § 25.146(m), adopted in The Establishment of Policies and Service Rules for the Non-Geostationary Satellite Orbit, Fixed Satellite Service in the Ku-Band, *Report and Order and Further Notice of Proposed Rulemaking*, IB Docket No. 01-96, 17 FCC Rcd 7841 (2002).

<sup>35</sup> See 47 C.F.R. § 25.145(k), adopted in The Establishment of Policies and Service Rules for the Non-Geostationary Satellite Orbit, Fixed Satellite Service in the Ka-Band, *Report and Order*, 18 FCC Rcd 14708 (2003).

<sup>36</sup> See *Second Space Station Reform Order*, 18 FCC Rcd at 12511 (para. 9).

<sup>37</sup> The RFA, see § 5 U.S.C. § 601 *et. seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>38</sup> 5 U.S.C. § 605(b).

<sup>39</sup> 5 U.S.C. § 601(6).

<sup>40</sup> 5 U.S.C. § 601(3) (incorporating by reference the definition of "small business concern" in Small Business Act, 15 U.S.C. § 632).

18. In this *Fourth Report and Order*, the Commission extends electronic filing requirements to satellite and earth station operators that are not currently subject to those requirements. The Commission believes that filing applications electronically is no more burdensome than submitting paper applications, because a majority of applicants currently file their applications electronically on a voluntary basis. We also make an existing streamlined license modification procedure available to DBS and DARS licensees, and adopt a new streamlined license modification procedure for NGSO licensees. The effect of these rule revisions is to reduce the administrative burdens of some space station licensees. We expect that these changes will be minimal and positive. Therefore, we certify that the requirements of this *Fourth Report and Order* will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the *Fourth Report and Order*, including a copy of this final certification, in a report to Congress pursuant to the Congressional Review Act, see 5 U.S.C. § 801(a)(1)(A). In addition, the *Fourth Report and Order* and this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the Federal Register. See 5 U.S.C. § 605(b).

19. *Privacy Impact Assessment.* The Commission has performed a Privacy Impact Assessment as required by the Privacy Act, as amended by the E-Government Act of 2002.<sup>42</sup> The Commission has determined that this information collection does not affect individuals or household; thus, there are no impacts under the Privacy Act.

## VI. ORDERING CLAUSES

20. Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 7(a), 11, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 157(a), 161, 303(c), 303(f), 303(g), 303(r), that this Fourth Report and Order in IB Docket No. 02-34, and Fourth Report and Order in IB Docket No. 00-248, are hereby ADOPTED.

21. IT IS FURTHER ORDERED that Part 25 of the Commission's rules IS AMENDED as set forth in Appendix A.

22. IT IS FURTHER ORDERED that the revisions to Sections 25.113 and 25.118(e) adopted in this Order will be effective 30 days after a summary of this Order is published in the Federal Register.

23. IT IS FURTHER ORDERED that all rule revisions adopted in this Order other than the revisions to Sections 25.113 and 25.118(e) will be effective 30 days after an additional notice is published in the Federal Register announcing the effective date of these rules.

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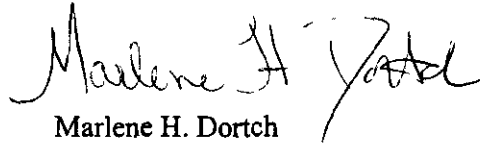
<sup>41</sup> Small Business Act, 15 U.S.C. § 632.

<sup>42</sup> 5 U.S.C. § 552a.



24. IT IS FURTHER ORDERED that the Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script, appearing to read "Marlene H. Dortch", with a large, stylized flourish at the end.

Marlene H. Dortch  
Secretary

## APPENDIX A

RULE CHANGES

For the reasons discussed above, the Federal Communications Commission amends title 47 of the Code of Federal Regulations, part 25, as follows:

## PART 25 -- SATELLITE COMMUNICATIONS

1. The authority citation for Part 25 continues to read as follows:

Authority: 47 U.S.C. 701-744. Interprets or applies Sections 4, 301, 302, 303, 307, 309, and 332 of the Communications Act, as amended, 47 U.S.C. Sections 154, 301, 302, 303, 307, 309, 332, unless otherwise noted.

2. Amend Section 25.110 to read as follows:

§ 25.110 Filing of Applications, fees, and number of copies.

- (a) You can obtain application forms for this part by going online at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs), where you may complete the form prior to submission via IBFS, the IB electronic filing system.
- (b) *Submitting your application.* All space station applications and all earth station applications must be filed electronically on Form 312. In this Part, any party permitted or required to file information on Form 312 must file that information electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of Part 1, Subpart Y of this Chapter.
- (c) All correspondence and amendments concerning any application must identify:
- (1) the satellite radio service
  - (2) the applicant's name
  - (3) station location
  - (4) the call sign or other identification of the station
  - (5) the file number of the application involved.
- (d) *Copies.* Applications must be filed electronically through IBFS. The Commission will not accept any paper version of any application.
- (e) *Signing.* Upon filing an application electronically, the applicant must print out the filed application, obtain the proper signatures, and keep the original in its files.
- (f) The applicant must pay the appropriate fee for its application and submit it in accordance with subpart G of part 1 of this chapter.

3. Amend § 25.113 by revising the introductory language in paragraph (g) and adding paragraph (h) to read as follows:

§ 25.113 Construction permits, station licenses and launch authority.

\* \* \* \* \*

- (g) Except as set forth in paragraph (h), a launch authorization and station license (i.e., operating authority) must be applied for and granted before a space station may be launched and operated in orbit. Request for launch authorization may be included in an application for space station

license. However, an application for authority to launch and operate an on-ground spare satellite will be considered pursuant to the following procedures:

(1) \* \* \*

\* \* \* \* \*

(h) Licensees of Non-Geostationary Satellite Orbit (NGSO) satellite systems need not file separate applications to operate technically identical in-orbit spares authorized as part of a blanket license pursuant to Section 25.114(e) of this Part, or any other satellite blanket licensing provision in this Part. However, the licensee shall notify the Commission within 30 days of bringing the in-orbit spare into operation, and certify that operation of this space station did not cause the licensee to exceed the total number of operating space stations authorized by the Commission, and that the licensee will operate the space station within the applicable terms and conditions of its license. These notifications must be filed electronically on FCC Form 312.

4 Amend Section 25.114 by revising paragraph (b) to read as follows:

§25.114 Applications for space station authorizations.

\* \* \* \* \*

(b) Each application for a new or modified space station authorization must constitute a concrete proposal for Commission evaluation. Each application must also contain the formal waiver required by Section 304 of the Communications Act, 47 U.S.C. 304. The technical information for a proposed satellite system specified in paragraph (c) of this section must be filed on FCC Form 312, Main Form and Schedule S. The technical information for a proposed satellite system specified in paragraph (d) of this section need not be filed on any prescribed form but should be complete in all pertinent details. Applications for all new space station authorizations must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of Part 1, Subpart Y of this Chapter.

\* \* \* \* \*

5. Amend Section 25.115 by revising paragraph (a) to read as follows:

§ 25.115 Application for earth station authorizations.

(a)(1) Transmitting earth stations. Except as provided under Section 25.113(b) of this Chapter, Commission authorization must be obtained for authority to construct and/or operate a transmitting earth station. Applications shall be filed electronically on FCC Form 312, Main Form and Schedule B, and include the information specified in Section 25.130, except as set forth in paragraph (a)(2).

(2) In cases where an application is for a transmitting earth station facility that will (i) transmit in the 3700-4200MHz and 5925-6425 MHz band, and/or the 11.7-12.2 GHz and 14.0-14.5 GHz band, and (ii) meet all the applicable technical specifications set forth in Part 25 of this Chapter, the applicant is required to file on Form 312EZ to the extent that form is available. If Form 312EZ is not available, such earth station license applicants must file on FCC Form 312, Main Form and Schedule B, and include the information specified in Section 25.130.

(3) Applications for earth station authorizations must be filed in accordance with the pleading limitations, periods and other applicable provisions of §§ 1.41 through 1.52 of this chapter, except that such earth station applications must be filed electronically through the International Bureau

Filing System (IBFS) in accordance with the applicable provisions of Part 1, Subpart Y of this Chapter;

6. Amend § 25.116 by revising paragraph (e) to read as follows:

§ 25.116 Amendments to applications.

\* \* \* \* \*

(e) Any amendment to an application shall be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of Part 1, Subpart Y of this Chapter. Amendments to space station applications must be filed on Form 312 and Schedule S. Amendments to space station applications must be filed on Form 312 and Schedule B.

7. Amend § 25.117 by revising the introductory language of paragraph (c) to read as follows:

§25.117 Modification of station license.

\* \* \* \* \*

(c) Applications for modification of earth station authorizations shall be submitted on FCC Form 312, Main Form and Schedule B. Applications for modification of space station authorizations shall be submitted on FCC Form 312, Main Form and Schedule S. Both earth station and space station modification applications must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of Part 1, Subpart Y of this Chapter. In addition, any application for modification of authorization to extend a required date of completion, as set forth in § 25.133 for earth station authorization or § 25.164 for space stations, or included as a condition of any earth station or space station authorization, must include a verified statement from the applicant:

\* \* \* \* \*

8. Amend Section 25.118 by revising the introductory language in paragraph (a), the introductory language of paragraph (e), and adding paragraphs (e)(8) and (e)(9), to read as follows:

§25.118 Modifications not requiring prior authorization.

(a) Earth station license modifications, notification required. Authorized earth station operators may make the following modifications to their licenses without prior Commission authorization, provided that the operators notify the Commission, using FCC Form 312 and Schedule B, within 30 days of the modification. This notification must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of Part 1, Subpart Y of this Chapter:

\* \* \* \* \*

(e) Space Station Modifications A space station operator may modify its license without prior authorization, but upon 30 days prior notice to the Commission and any potentially affected licensed spectrum user, provided that the operator meets the following requirements. This notification must be filed electronically on Form 312 through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of Part 1, Subpart Y of this Chapter:

(1) \* \* \*

(8) For DBS licensees, the space station licensee must certify that it will not cause greater interference than that which would occur from the current U.S. assignments in the International Telecommunication Union (ITU) Region 2 BSS Plan and its associated Feeder Link Plan.

(9) For DBS licensees, the space station licensee must certify that it will meet the geographic service requirements in Section 25.148(c).

9. Amend Section 25.130 by revising paragraph (a) to read as follows:

§ 25.130 Filing requirements for transmitting earth stations.

(a) Applications for a new or modified transmitting earth station facility shall be submitted on FCC Form 312, Main Form and Schedule B, accompanied by any required exhibits, except for those earth station applications filed on FCC Form 312EZ pursuant to Section 25.115(a) of this Chapter. All such earth station license applications must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of Part 1, Subpart Y of this Chapter.

\* \* \* \* \*

10. Amend Section 25.131 by revising paragraph (a) to read as follows:

§ 25.131 Filing requirements for receive-only earth stations.

(a) Except as provided in paragraphs (b) and (j) of this section, and Section 25.115(a) of this Chapter, applications for a license for a receive-only earth station shall be submitted on FCC Form 312, Main Form and Schedule B, accompanied by any required exhibits. All such earth station license applications must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of Part 1, Subpart Y of this Chapter.

\* \* \* \* \*

11. Amend Section 25.154 by revising paragraphs (a)(3), (c), and (d), to read as follows:

§ 25.154 Opposition to applications and other pleadings.

(a) \* \* \*

(3) Filed in accordance with the pleading limitations, periods and other applicable provisions of §§ 1.41 through 1.52 of this chapter, except that such petitions must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of Part 1, Subpart Y of this Chapter.

\* \* \* \* \*

(c) Oppositions to petitions to deny an application or responses to comments and informal objections regarding an application may be filed within 10 days after the petition, comment, or objection is filed and must be in accordance with other applicable provisions of §§ 1.41 through 1.52 of this chapter, except that such oppositions must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of Part 1,

Subpart Y of this Chapter.

(d) Reply comments by the party that filed the original petition may be filed with respect to pleadings filed pursuant to paragraph (c) of this section within 5 days after the time for filing oppositions has expired unless the Commission otherwise extends the filing deadline and must be in accordance with other applicable provisions of §§ 1.41 through 1.52 of this chapter, except that such reply comments must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of Part 1, Subpart Y of this Chapter.